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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/262,056	03/04/1999	JEFFREY ALLEN SMITH	T8464287US	8809

7590 08/24/2004

GOWLING STRATHY AND HENDERSON
SUITE 4900
COMMERCE COURT WEST
TORONTO, M5L1J3
CANADA

EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 08/24/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/262,056

Applicant(s)

JEFFREY SMITH ET AL.

Examiner

Chante Harrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,11 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment D, filed on 6/14/04.

This action is made FINAL.

2. Claims 10-11 and 15-22 are pending in the case. Claims 10 and 16 are independent claims. Claims 1-6 and 12-14 have been canceled.

Drawings

1. Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

Claim Rejections - 35 USC § 103

1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al., U.S. Patent 6,058,397, 5/2000, and further in view of Elliot et al., U.S. Patent 5,764,241, 6/1998.

As per independent claim 10, Barrus discloses receiving through a communication network predefined output (col. 6, ll. 37-38; col. 19, ll. 13-20), parsing the output to identify a texture expression to be employed in said rendered output (col. 19-20, ll. 55-4), at least one of the texture expression comprising a mathematical expression defining a texture (storing primitives as matrices and applying one of multiple corresponding texture maps to each primitive which allows textures to be associated mathematically) (col. 8, ll. 1-7; col. 15-16, ll. 65-10; col. 18, ll. 24-32; col. 19-20, ll. 64-4), evaluating each texture expression in terms of one or more texture expression evaluation parameters defined in the output to obtain a corresponding texture output (col. 19, ll. 46-6), rendering the output (col. 10, ll. 53-54) and an audio texture (col. 13, ll. 55-57; col. 20, ll. 55-59).

Barrus fails to disclose a corresponding parameter that is time-based, and the time-based parameter comprises an elapsed time from a user interface event.

Elliot discloses a texture expression (col. 50, ll. 29), an audio texture (col. 8, ll. 23-26), with an evaluation parameter that is time-based (col. 8, ll. 19-37) and the time-based parameter comprises an elapsed time from a user interface event (col. 4-5, ll. 66-8; col. 8, ll. 25-34).

Elliot fulfills browser requests and manipulates Hypertext files including audio using user defined data to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Elliot's disclosure of a texture expression with an evaluation parameter that is time-based and the time-based parameter comprises an elapsed time from a user interface event with the disclosure of Barrus because Barrus teaches providing texture in various forms to accommodate the characteristics of a target machine when applying 3D textures in a virtual reality environment (col. 3, ll. 30-50), with the environment being modifiable over time (col. 6, ll. 45-47).

As per dependent claim 11, Barrus discloses the corresponding parameter comprising pixel coordinates (col. 12, ll. 27-33) in view of Elliot.

As per dependent claim 21, Barrus discloses the predefined output is an html document (col. 19-20) in view of Elliot.

3. Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al., U.S. Patent 6,058,397, 5/2000, and in view of Elliot et al., U.S. Patent 5,764,241, 6/1998 and further in view of Rosalee Wolfe, "Teaching Texture Mapping Visually", 11/1997, pp. 1-10.

As per dependent claim 15, Barrus fails to disclose the texture expression parameters include an oscillation function, which Wolfe discloses (i.e. a ramp function that changes image texture over a range) (pp. 5, Para 40).

Wolfe teaches texture mapping techniques include application of a ramp function to effectuate change in texture over time using a sine function. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Wolfe's disclosure of an oscillation function (i.e. a ramp function) with the disclosure of Barrus because Barrus examines various specification parameters of a preferred texture map in which an oscillation (e.g. ramp) function may be a texture map specification parameter.

As per independent claim 16, Barrus discloses receiving through a communication network predefined output (col. 6, ll. 37-38; col. 19, ll. 13-20), parsing the output to identify a texture expression to be employed in said rendered output (col. 19-20, ll. 55-4), at least one of the texture expression comprising a mathematical expression defining a texture (storing primitives as matrices and applying one of

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multiple corresponding texture maps to each primitive which allows textures to be associated mathematically) (col. 8, ll. 1-7; col. 15-16, ll. 65- 10; col. 18, ll. 24-32; col. 19-20, ll. 64-4), evaluating each texture expression in terms of one or more texture expression evaluation parameters defined in the output to obtain a corresponding texture output (col. 19, ll. 46-6), rendering the output (col. 10, ll. 53-54) and an audio texture (col. 13, ll. 55-57; col. 20, ll. 55-59).

Barrus fails to disclose a corresponding parameter that is time-based, and the time-based parameter comprises an elapsed time from a user interface event.

Elliot discloses a texture expression (col. 50, ll. 29), an audio texture (col. 8, ll. 23-26), with an evaluation parameter that is time-based (col. 8, ll. 19-37) and the time-based parameter comprises an elapsed time from a user interface event (col. 4-5, ll. 66-8; col. 8, ll. 25-34).

Barrus fails to disclose the texture expression parameters include an oscillation function, which Wolfe discloses (i.e. a ramp function that changes image texture over a range) (pp. 5, Para 40).

Elliot fulfills browser requests and manipulates Hypertext files including audio using user defined data to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20). Wolfe teaches texture mapping techniques include application of a ramp function to effectuate change in texture over time using a sine function. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate Elliot's disclosure of a texture expression with an evaluation parameter that is time-based and the time-based parameter comprises an

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elapsed time from a user interface event with the disclosure of Barrus because Barrus teaches providing texture in various forms to accommodate the characteristics of a target machine when applying 3D textures in a virtual reality environment (col. 3, ll. 30-50), with the environment being modifiable over time (col. 6, ll. 45-47); and to further incorporate Wolfe's disclosure of an oscillation function (i.e. a ramp function) with the disclosure of Barrus because Barrus examines various specification parameters of a preferred texture map in which an oscillation (e.g. ramp) function may be a texture map specification parameter.

As per dependent claim 17, Barrus discloses an audio texture (col. 13, ll. 55-57; col. 20, ll. 55-59) in view of Elliot and Wolfe.

As per dependent claim 18, Barrus fails to disclose said texture expression evaluation parameters include a time-based parameter, which Elliot discloses (col. 8, ll. 19-37) in view of Wolfe.

As per dependent claim 19, Barrus fails to disclose the time-based parameter comprises an elapsed time from a user interface event, which Elliot discloses (col. 4-5, ll. 66-8; col. 8, ll. 25-34) in view of Wolfe.

As per dependent claim 22, Barrus discloses the predefined output is an html document (col. 19-20) in view of Elliot and Wolfe.

Response to Arguments

1. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive.

Applicant argues Barrus fails to disclose transferring the texture expression as the output definition.

In reply, Barrus teaches delivering content to diverse hardware (col. 6, ll. 37-38), where the content is representative of a 3D environment containing texture maps for editing (col. 6-7, ll. 65-5) or for viewing (col. 13, ll. 22-28). Barrus also discloses that the texture map may be minimized in cases where limited texture memory is available (coll. 8, ll. 31-34). Barrus further discloses the virtual environment content is maintained in one or multiple files containing data such as polygon list and texture (col.10, ll. 40-52). Barrus also discloses the ability to selectively access data in the virtual environment via files (col. 11, ll. 56-64), which are used to render the image (col. 12, ll. 16-33). Barrus further discloses that the texture map to apply is evaluated using information such as the locale (e.g. X, Y coordinate data) (col. 19, ll. 46-60). Barrus also discloses that the texture expression is a mathematical expression defining a texture in that he discloses applying a texture map, which is a mathematical mapping of texture. Thus, Barrus teaches the concept of the Applicant's invention.

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2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

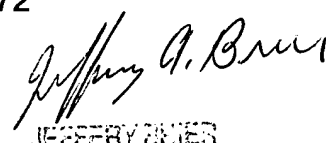
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chante Harrison
Examiner
Art Unit 2672

ceh


JEFFERY A. BRINER
PRIMARY EXAMINER